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OFFICE OF PETITIONS

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PTO/SB/64/(6-95)

PATENT  
Customer No. 22,852  
Attorney Docket No. 7781.0209-00

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, in an envelope addressed to: MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 19, 2005. Express Mail Label No.: EV 671823695 US

Signed: Cindy Baglietto  
Cindy Baglietto

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Steven Thomas Winkler, et al.	)	Group Art Unit: 2136
	)	
Application No.: 09/826,738	)	Examiner: Ronald Baum
	)	
Filed: April 5, 2001	)	
	)	
For: SECURITY SERVICE FOR AN	)	Confirmation No.: 6058
ELECTRONIC MARKETPLACE	)	

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT**  
**ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper response to the Office action mailed on March 17, 2004, which set a three month period for response. The abandonment date of this application is June 18, 2004 (i.e., the day after the expiration date of the period set for response plus any extensions of time obtained therefore). The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137 (b)

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was unintentional.

On March 17, 2004, the USPTO mailed an Office Action to Timothy Loomis, the Attorney of Record for this matter at that time. SAP AG is a large, multi-national corporation whose headquarters is in Walldorf, Germany. SAP AG relies upon its outside patent counsel, like Mr. Loomis, to prosecute matters to which they are assigned. As such, Applicants relied upon Mr. Loomis to prosecute this matter, and expected that a response would be filed.

According to the record, on September 28, 2004, the USPTO mailed a Notice of Abandonment of this matter for failure to respond to the Office action mentioned above. The Notice of Abandonment was sent to Mr. Loomis, as he was the then attorney of record.

SAP AG became aware of the abandonment of the application in October/November 2004 when it received a copy of the Notice of Abandonment. It was at this time that SAP AG learned that Mr. Loomis was no longer in private practice and would no longer prosecute the application. SAP AG does not have any indication in its files that Mr. Loomis notified it of his intent to close his office or that he intended not to respond to the outstanding Office action.

In early November 2004, SAP AG asked Finnegan, Henderson, Farabow, Garrett & Dunner, LLP ("FHFGD") to assume prosecution of this matter and pursue reinstatement of the application. Attorneys at FHFGD attempted to contact Mr. Loomis, but messages left for him at phone numbers in the record were not returned. FHFGD

later learned that his contact information was incorrect and that Mr. Loomis was no longer a sole practitioner.

Attempts to obtain any information regarding this application from the Examiner of record were unsuccessful. The Examiner indicated that he would not be able to provide us with any information until FHFGD had obtained Power of Attorney.

Since learning that the application was abandoned, Applicants have been attempting to verify that this application has been assigned to SAP AG and obtain the appropriate signatures to revoke the previous power of attorney and grant new power of attorney in FHFGD. During this time, Applicants have also made repeated attempts to contact Mr. Loomis and other individuals that may have been involved in the oversight that lead to the inadvertent abandonment of this application to gather additional facts for making this petition.

Applicants hereby petition for revival of this application. Please charge the petition fee as set forth in 37 C.F.R. § 1.17(m) of \$1,500.00 to our Deposit Account No. 06-0916. Please grant any extensions of time (e.g. a retroactive 3 month extension of time based on the time for response to the office action, if necessary) required to enter this petition and charge any additional required fees to our Deposit Account 06-0916.

In addition, Applicants submit a response to the above-noted Office Action in the form of an Amendment and Response to Office Action, filed herewith. If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 CFR § 1.136, such an extension is requested, and the

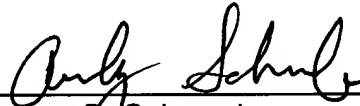
Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 19, 2005

By:   
Andrew B. Schwaab  
Reg. No. 38,611

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